

**UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,  
INC.,

Plaintiff,

v.

THE UNIVERSITY OF NORTH  
CAROLINA AT CHAPEL HILL, et al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

**MOTION TO INTERVENE IN DEFENSE OF THE UNIVERSITY OF  
NORTH CAROLINA AT CHAPEL HILL’S ADMISSIONS POLICY**

Pursuant to Federal Rule of Civil Procedure 24, four current University of North Carolina at Chapel Hill (“UNC-Chapel Hill”) students and the parents of five high school students who intend to apply to UNC-Chapel Hill, acting on their children’s behalf (collectively, the “Proposed Intervenors”), hereby move to intervene. Proposed Intervenors who currently attend UNC-Chapel Hill are Cecilia Polanco, Luis Acosta, Star Wingate-Bey, and Laura Ornelas. Proposed Intervenors who are parents of students who intend to apply to UNC-Chapel Hill are Angie and Kevin Mills on behalf of Q.M.; Christopher Jackson on behalf of C.J.; Julia Nieves on behalf of I.N.; Tamika Williams on behalf of A.J.; and Ramonia Jones on behalf of R.J.

As detailed in the accompanying memorandum, Proposed Intervenors satisfy each of the requirements for intervention as of right under Fed. R. Civ. P. 24(a). Proposed Intervenors seek to participate in this case to present the most fulsome defense of, and to

ensure that a full evidentiary record is created regarding, UNC-Chapel Hill's consideration of race and ethnicity as part of its holistic review of applicants' files. They seek to ensure that any changes to the admissions process resulting from this litigation, through court order or settlement, comply with their rights under Title VI of the Civil Rights Act of 1964 and the Constitution.

A complete record requires adducing comprehensive evidence related to UNC-Chapel Hill's compelling interest in student body diversity. Such evidence includes, for example, evidence pertaining to the history of discrimination and segregation in North Carolina and at UNC-Chapel Hill; the past and current state of racial and ethnic relations on campus; the underrepresentation of students of certain racial and ethnic backgrounds on campus; and the lack of a critical mass of students of certain racial and ethnic backgrounds at UNC-Chapel Hill. The existing Defendants do not adequately represent the Proposed Intervenor's interests in developing this evidence because UNC-Chapel Hill may avoid presenting evidence that reflects poorly on UNC-Chapel Hill, critiques the University's efforts to promote diversity, or suggests liability for the University under Title VI. This Motion is being filed in a timely fashion, and there remains time for Proposed Intervenor to develop this critical factual record within the existing case schedule.

If the Court declines to grant Proposed Intervenor's intervention as of right, Proposed Intervenor alternatively request that they be allowed to intervene permissively under Fed. R. Civ. P. 24(b).

Attached to this Motion are (1) a declaration from each Proposed Intervenor setting forth facts upon which this Motion is based (attached as Exhibit 1); and (2) pursuant to Fed. R. Civ. P. 24(c), a Proposed Answer (attached as Exhibit 2). A memorandum in support of this Motion has been filed separately.

**WHEREFORE**, Proposed Intervenor respectfully request that this Court grant this Motion to Intervene.

Dated: June 29, 2015

Respectfully submitted,

/s/ Reed Colfax

Reed Colfax\*

Glenn Schlactus\*

Sasha Samberg-Champion\*

Laura Gaztambide-Arandes\*

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ATTORNEYS FOR PROPOSED  
DEFENDANT-INTERVENORS

\* *Special Appearance*

**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.3(b)(2), I hereby certify that this document filed through the CM-ECF system on June 29, 2015 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Reed N. Colfax  
Reed N. Colfax